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October 31, 2007

**VIA FIRST CLASS MAIL AND E-MAIL TO hmlaw@att.net**

Harlan M. Lazarus, Esq.  
Lazarus & Lazarus, P.C.  
240 Madison Avenue  
New York City, New York 10016

Re: **Malibu Textiles, Inc. v. Carol Anderson, Inc. et al.**  
**Docket No. 07-cv-4780 (SAS)**

Dear Harlan:

Enclosed are Plaintiff's Objections and Responses to Defendants' Combined First Request for Production of Documents. The documents, bated numbered P00001 through P00125, will be sent under separate cover via first class mail.

Please note that we included copies of original documents regarding the creation of the lace designs at issue in our response (*see e.g.*, P00002 through P00006, P000009). If you wish to see the originals (some of which are old and fragile), we can make them available for your inspection at our offices at a mutually agreeable time.

Finally, we did not respond to any of the interrogatories that were disguised as Document Requests because the interrogatories violate S.D.N.Y. Local Civil Rule 33.3, which limits the use of interrogatories during discovery.

Very truly yours,

  
Matthew A. Kaplan

Enclosures

MAK/ms

cc: Nancy E. Wolff, Esq. (w/o encl.)

41 MADISON AVENUE - 34TH FLOOR, NEW YORK, NEW YORK 10010

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# PARIS LACE, INC.



1500 Main Avenue  
Clifton, New Jersey 07011  
Tel.: 1 (973) 478 9035  
N.Y.: 1 (212) 564 1826  
Fax.: 1 (973) 478 9186

To: JOAN IRWIN

From: Joe Dickinson

Fax:

Pages:

Phone:

Date:

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

JOAN-

THIS IS ORIGINAL SKETCH AND DRAFT  
DONE FOR LINCOLLS / PARIS LACE IN SEPT-1998  
BY- YOLANDA KRAMM - (BRAZIL).

ALL ME

Joe

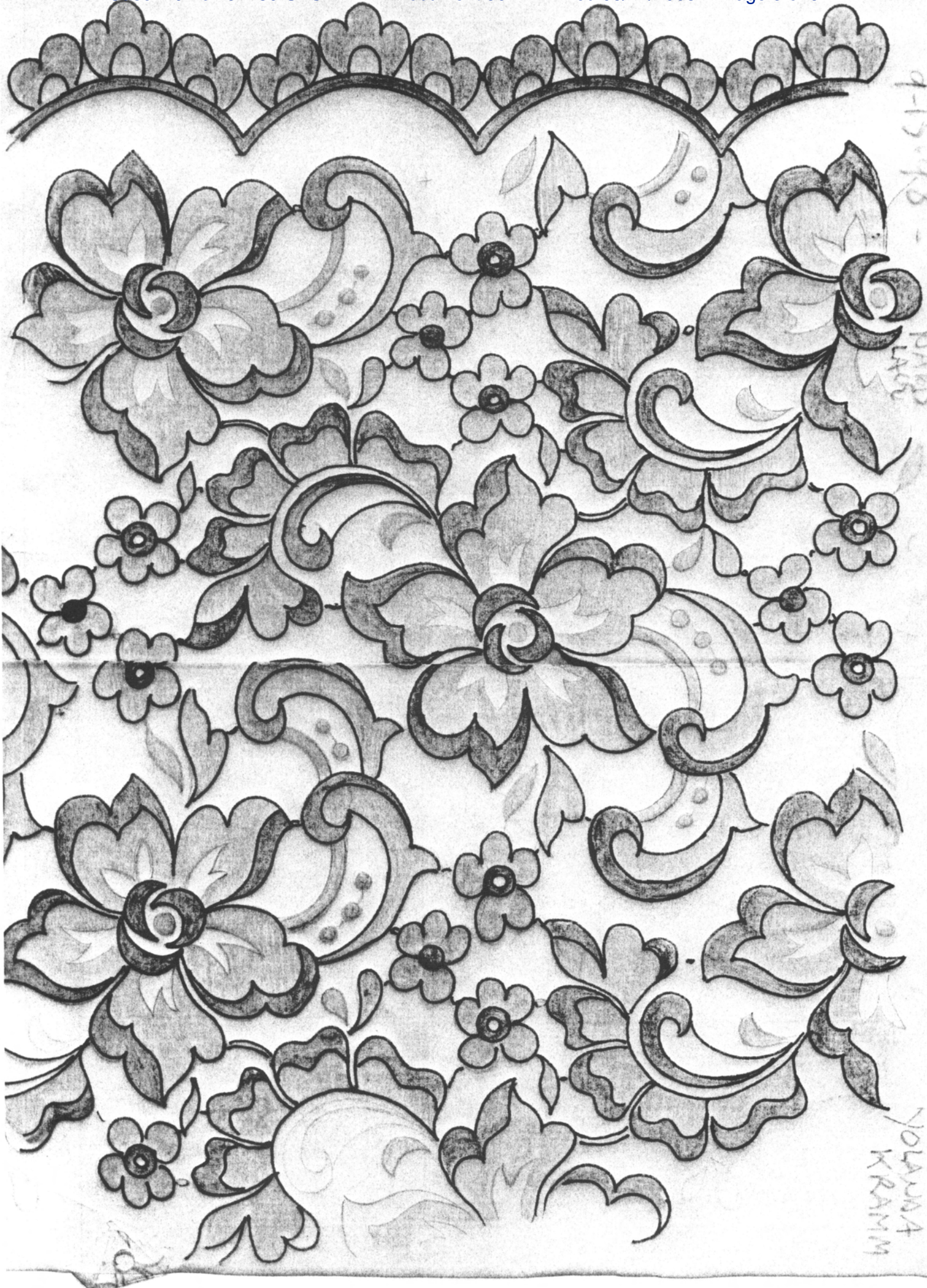
P 00001



N 1

9-15-98 -  
DAVIS  
LACE

YOUVA  
KRAM





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January 25, 2008

VIA E-MAIL TO hmlaw@att.net

Harlan M. Lazarus, Esq.  
Lazarus & Lazarus, P.C.  
240 Madison Avenue  
New York City, New York 10016

Re: Malibu Textiles, Inc. v. Carol Anderson, Inc. et al.  
Docket No. 07-cv-4780 (SAS)

Dear Mr. Lazarus:

Attached are documents Bates Numbered P 00126 through P 00128 regarding Malibu Textiles, Inc.'s acquisition of copyright rights in Lace Pattern No. 1967 from Paris Lace Inc.

Very truly yours,

  
Matthew A. Kaplan

Enclosures

MAK/ms

cc: Nancy E. Wolff, Esq. (w/o encl.)

81MSMALIBU

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

MALIBU TEXTILES, INC.,

Plaintiff,

v.

07 Civ. 4780

CAROL ANDERSON, INC., et al.,

Defendants.

-----x

January 22, 2008  
11:15 a.m.

Before:

HON. SHIRA A. SCHEINDLIN,

District Judge

APPEARANCES

COWAN, DeBAETS, ABRAHAM & SHEPPARD LLP  
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BY: NANCY E. WOLFF  
MATTHEW A. KAPLAN

LAZARUS & LAZARUS, P.C.  
Attorneys for Defendants  
BY: HARLAN M. LAZARUS

81MSMALIBU

1           Anyway, you want to go on, then, to the second pattern  
2 or the remaining pattern?

3           MR. LAZARUS: The second pattern is the Paris Lace  
4 pattern with respect to which in document discovery I was given  
5 a Paris Lace letter, which is undated, and it reads -- and it's  
6 handwritten so I may have the name wrong. I don't know if it's  
7 Joan or Johns, but "Joan, this is the original sketch and draft  
8 done for Finfalls Paris --"

9           THE COURT: For what?

10           MR. LAZARUS: It appears to be "Finfalls/Paris Lace in  
11 September 1998 by Yolanda Kram (Brazil)."

12           This letter, which is not commented on in Friday's  
13 letter, further attenuates the copyright because this is the  
14 sketch that wasn't even done for the plaintiff by a third  
15 party, it was done for Paris Lace by the third party and we  
16 don't know how it got to plaintiff. There is no assignment.  
17 There is a claim that it was a work for hire but it would  
18 appear if it was a work for hire it was a work for hire  
19 commissioned by Paris Lace to Yolanda Kram. I am entitled to  
20 discovery on the facts pertaining to both the creation of the  
21 pattern and this chain from Yolanda to Paris to Malibu. That  
22 is what I sought discovery on and again I have served the  
23 subpoenas.

24           Just quickly, your Honor, the third pattern I have  
25 asked for because of the prior scheduling order I asked for in  
SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300